

## **REMARKS**

### **I. Introduction**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 30, 36 and 37 are currently being amended. Exemplary support for the amendments is found in the specification on page 24, line 8, through page 25, line 5.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Upon entry of this Amendment, claims 2, 5, 6, 11-13, 20, 21, 23 and 30-39 will remain pending in the application. Applicants note that claims 2, 11-13, 20, 21 and 23 are allowed.

Because the foregoing amendments do not introduce new matter, entry thereof by the Examiner is respectfully requested.

### **II. Response to Issues Raised by Examiner in Outstanding Office Action**

#### **a. Claim Objections**

The Examiner asserts that parts (a) and (c) of claim 30 should be amended to recite “a nucleic acid molecule.” Applicants have amended claim 30 as suggested by the Examiner. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **b. Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

Claims 30-35 are rejected by the Examiner under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. Applicants respectfully request reconsideration and withdrawal of the rejection.

The Examiner asserts that in claim 30, it is not understood that if each of parts (a), (c), (e), (g) and (i) are drawn to embodiments wherein the FRS2 polypeptide binds to Grb-2,

how the complements of these embodiments, parts (b), (d), (f), (h) and (j), can have the same function. Applicants do not agree with the Examiner. However, to expedite prosecution, Applicants have deleted the “complements” from claim 30.

The Examiner further asserts that part (i), subparts (1), (2) and (3), of claim 30 are unclear. Applicants have amended part (i) of claim 30 so that it complies with the requirements of 35 U.S.C. § 112, second paragraph. Exemplary support for the amendments is found on page 24, line 8, through page 25, line 5.

**c. Claim Rejections - 35 U.S.C. § 112, First Paragraph**

**i. Rejection of Claims 5, 6 and 30-39 for Alleged Lack of Written Description**

Claims 5, 6 and 30-39 are rejected by the Examiner under 35 U.S.C. § 112, first paragraph for lack of written description. Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 5, 6 and 30-39, as amended, comply with the written description requirement, as these claims recite both structural and functional elements. All of the claims recite structural elements related to SEQ ID NO: 1. Additionally, claim 30 recites that the FRS2 polypeptide encoded by the nucleic acid molecule binds to Grb-2, while claim 36 is directed to a nucleic acid probe. The function of a nucleic acid probe is defined in the specification on page 12, lines 11-14 as complementary nucleic acid molecule that binds to a nucleic acid sequence encoding an amino acid sequence that is substantially similar to that set forth in Figure 1A. Furthermore, Applicants have amended the claims by replacing the term “comprising” with “consisting of”, as suggested by the Examiner on page 5 of the outstanding office action.

**ii. Rejection of Claims 5, 6 and 30-39 for Alleged Lack of Enablement**

Claims 5, 6 and 30-39 are rejected by the Examiner under 35 U.S.C. § 112, first paragraph for lack of enablement. Applicants respectfully request reconsideration and withdrawal of the rejection.

Applicants note that the specification provides a function for a nucleic acid probe encoding a polypeptide comprising 10 contiguous amino acids of SEQ ID NO: 1. Such a probe would comprises 30 nucleotides. As noted above, the function of a nucleic acid probe is defined in the specification on page 12, lines 11-14 as complementary nucleic acid molecule that binds to a nucleic acid sequence encoding an amino acid sequence that is substantially similar to that set forth in Figure 1A. The specification also states that a probe can be used to detect nucleic acid molecules encoding a FRS2 polypeptide. *See* specification at page 12, lines 8-10. Therefore, the specification provides sufficient enablement for a person of ordinary skill in the art to use the claimed probes.

Furthermore, Applicants have amended the claims by replacing the term “comprising” with “consisting of”, as suggested by the Examiner on page 5 of the outstanding office action.

**CONCLUSION**

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 21, 2005

FOLEY & LARDNER LLP

Customer Number:

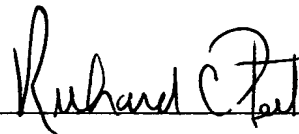
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